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October 23, 2023

VIA ECF

Hon. André M. Espinosa, U.S.M.J.
U.S. District Court District of New Jersey
50 Walnut Street
Newark, NJ 07101

Re: ***Pallazi, et al. v. Cigna Health & Life Insurance Co.***
Case No. 22-cv-6278-JMV-AME

Your Honor:

This firm represents Defendant Cigna Health and Life Insurance Co. in the above-referenced matter. In accordance with the July 24, 2023 Scheduling Order, ECF No. 32, we write jointly with Plaintiffs provide a status update to the Court in advance of the October 26, 2023 Status Conference.

Defendant's Position:

After the entry of the July 24, 2023 Scheduling Order, ECF No. 32, this Court dismissed Plaintiffs' First Amended Complaint, ECF No. 38. Plaintiffs then filed their Second Amended Complaint ("SAC"), asserting a single cause of action for benefits due under ERISA. ECF No. 41. On October 19, 2023, Defendant file a Motion to Dismiss the SAC (the "Motion"). ECF No. 47. Defendant's Motion argues that Plaintiffs fail to state a claim for ERISA benefits because the governing plan does not provide for out-of-network benefits, and the SAC fails to identify any plan provision that entitles them to the benefits they believe they are owed. The prior order dismissing Plaintiff's FAC directly supports Defendant's arguments in the Motion.

Defendant has produced the administrative claim file to Plaintiffs. There is no additional discovery that needs to be undertaken at this time, as this matter is governed by ERISA and subject to ERISA's limitations on discovery. Given the current procedural posture of the case, there is no further activity that needs to be conducted on this matter while the motion to dismiss is pending.

Plaintiffs' Position:

Plaintiffs received the administrative claim file on October 19, 2023 and are reviewing it to confirm that no further discovery is needed. Defendants' motion to dismiss the second amended complaint was filed on October 26, 2023. Plaintiffs intend to oppose the motion in due course.

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We thank you for Your Honor's attention to this matter and look forward to speaking with you on October 26, 2023.

Respectfully submitted,

/s/ Caroline E. Oks

Caroline E. Oks

cc: All Counsel of Record (via ECF)